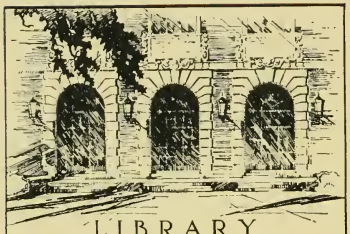

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CHURCH ENDOWMENTS,

WITH SPECIAL REFERENCE TO

RECENT LEGISLATION.

A PAPER

READ ON THURSDAY, OCTOBER 9TH, 1873,

AT THE

CHURCH CONGRESS, BATH.

BY THE

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The writer of the following Paper was anxious to confine himself as far as possible to a statement of the principles involved in the views of the various parties to whom reference is made.

He may, however, be asked for the authorities which he can quote to justify these statements. In illustration of the views of the political thinkers to whom he alludes, he refers to the statements of Mr. Arthur Hobhouse, to be found in the "Social Science Congress Journal" of 1869, and to the evidence of Lord Lyttelton and Mr. H. J. Roby before the Select Committee of the House of Commons on Endowed Schools, 1873. For the views of the political Dissenters he would refer to the evidence of Mr. F. Schuadhorst, the Rev. M. D. Jones, and the Rev. J. J. Brown, before the same Committee; and to a Paper read by Professor Amos, and the discussion thereon, in the Report of the General Conference of Nonconformists at Manchester in 1872. For many facts illustrative of his own statements he begs to refer to the Report of the Committee of the Convocation of Canterbury on Endowed Schools, 1872; also to the "Report and Evidence" of the Select Committee of 1873; generally and more especially to his own examination and cross-examination; and to a Paper of Observations on Section 19 of the Act handed in by the Rev. Canon Robinson, one of the Commissioners, Appendix No. 9.

CHURCH ENDOWMENTS,

WITH SPECIAL REFERENCE TO

RECENT LEGISLATION.

(Part I.)

If the question had been put but a very few years ago—What is the theory and practice of the English nation with reference to Endowments? it would have admitted of a very simple answer.

The State of England has always felt and acted upon the wisdom of the principle but recently enunciated by the present Prime Minister, that the Government should not attempt to effect, by taxation and legal compulsion, any objects which it finds can be advanced by the voluntary exertions, gifts, and contributions of the people. Hence our numerous and noble Endowments for religious teaching and for education, most of them connected with the oldest corporation of the land, the National Church, and contributed through the piety and forethought of her members from generation to generation.

The doctrine and fixed belief, I had almost said the implanted instinct, of Englishmen with reference to Endowments was that, for all uses permitted by the State, and pre-eminently those of *Christian worship, teaching, and education*—there was a solemn compact on the part of the State that such lawful Endowments should ever be held sacred, and be guarded by the nation on whose healthy and continuous life they exercised so mighty and wholesome an influence.

The observance of the main objects and designs of the founders was pledged to them by a wise State, which held such men in honour as its greatest benefactors. On the other hand, the power was always inherent in the State, by means of its Equity Courts, or, if needful, through legislation in Parliament, to regulate, reform, and control the application of these Endowments, to guard their uses, from time to time to clear away their abuses.

This, at least, was the theory,—if neglected in practice, there was always the right theory to fall back upon.

Institutions and Endowments thus lay, so to speak, outside of, and were respected by, the national political forces of the State. Sheer power and the force omnipotent of the Crown or of Parliament, held their own to best advantage by respecting spiritual and immaterial rights, by paying homage to those great traditions of reverence for eternal principles and undying truths, handed down through the dead hands of men whose

souls were all the while, in a nation's firm and simple faith, living to God. The Founder's day of death was but the birthday of his endowment, and of the consecration of those sacred objects in which, for all time to come, he was to live a life, in which, as an immortal benefactor, he was to be united with successive generations, who should bless his memory and enrol him with the famous men of old, whose gifts, and deeds, and pious forethought, had made England what it is.

(Part II.)

Within the last ten years, and more especially since the year 1869, a mighty change has come over our legislation, and to this and its causes, more especially as it concerns the *Educational Endowments* of the Church of England, I now turn.

I believe that Parliament itself has been hardly conscious of the real spirit and nature of its own action in this matter in recent years, and I cheerfully accept the signs that have recently appeared, that in many ways our Imperial Parliament is prepared to reconsider its principles and actions, and to a certain extent to retrace its steps in its treatment of Endowments. Still I must describe the course which legislation has recently taken as a retrograde course, utterly unworthy of a wise, understanding, and Christian people, as a course tending by no slow steps not only to divorce us from all national allegiance to the King of kings, and Ruler of Nations, but to undo much of the great and glorious work of a Christian civilisation, which has for twelve centuries helped to build up this England of ours.

I charge the recent legislation of England, with regard to our Educational Endowments, and I allude specially to the *Universities Act*, the *Public Schools Act*, and the *Endowed Schools Act*, of 1869, with being founded on the following principles and producing the following results:—

1st.—With carrying into practice the doctrine that *might* makes *right*, that whatever Parliament CAN do, Parliament MAY do. For in these Acts, I refer, by way of example, more especially to the *Endowed Schools Act* with which I am most familiar, Parliament has deliberately set aside all the main principles of the old Equity law of England. Let any man read the evidence as given by the late Lord Chancellor, Lord Hatherley, then Sir W. Page Wood, and the present Lord Chancellor, Lord Selborne, then Sir R. Palmer, before the Endowed Schools Enquiry Commission, as to the bearing of the law of our Equity Courts upon the old Endowments of England, and he will be satisfied of this. Indeed, the Endowed Schools Commissioners themselves acknowledge in their first report that their Act has upset, with regard to Endowed schools, what are *still* the principles of the law of England in all cases not falling under their hands. It has done so by dividing the idea of education from any necessary connection with the idea of religion, *in the abstract*, and by legally separating education from the creeds, the institutions, and the ministers of the Church of England, *in the concrete*.

The whole essence of the Act and its vital principle is—to give power to deal with the old Educational Endowments, at any rate in nine cases out of ten, as purely secular institutions, to which the element of religion may or may not be attached, to leave in the word "education,"

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to leave out the word "godly" (I speak of a simple matter of fact), in its "revised schemes" for the old grammar schools.

This violent and enormous change in schools, admitted to have been Church of England by continuous succession and by every equitable ground of proof from their first foundation, is excused, so far as I can see, on no other ground than the power of the *Sic volo, sic jubeo* of a majority of the House of Commons. What a *majority* demands must be conceded. In the general scramble let them win who can. Endowments not only may, but can only last from year to year by the bare permission of the majority for the time being. Is not this to instal *sheer might* in the place of *right*, and to give to the material force of Parliament despotic sway over the rights, and at least the corporate property, of Englishmen?

But whence comes this? and what account can be given of this change in the whole position assumed by Parliament, in contravention of what has been so well laid down by Lord Cairns* in the House of Lords as the proper constitutional relation of Parliament to Endowments, the power of regulation and superintendence, but not of alienation?

I find it is, in a matter of fact, to be ascribed to the rise of two distinct sets of views, held by men whose objects and principles are by no means identical, but who, in this matter, have played into one another's hands.

First, you have the men of freethought and freehanded action, who have sprung up in this generation. This school of thinkers appears to have eliminated from their views of the "State" all high and spiritual conceptions, either of its origin or of its objects, such as were common to Hooker, to Bacon, to Burke, to Coleridge, and to Arnold. They assign to it the basest and most utilitarian offices. Its work, in their view, appears to be not to conserve eternal principles, not to raise each generation to a high standard of faith and practice set up for it in years gone by, but to carry out the wishes of the majority in each successive generation, not only in the use of the tax-raised resources of that generation, but all the Endowments that have been handed down from previous ages to its stewardship and safe keeping.

The favourite doctrine of this school is, that after the first executors or trustees of a deceased founder have departed, there remains no more obligation to any *bona fides* towards the founder. His bequests revert to the sole and absolute use of the State, *i.e.*, to the bare majority in Parliament for the time being, to be dispensed according to its good pleasure, even though in direct contravention to the original designs of the founder. In compliance with the lingering prejudices of a partially enlightened generation, they are willing to allow it may be well for the State to grant a continued fulfilment of the founder's designs for a generation or two; but after some fifty or sixty years, they insist on the universal reversion of all Endowments to the State, to be used just according to the good pleasure of its organs for the time being.

It is the political materialism of this school of liberal—may I venture

* "Provided, my lords, the trust is executed and the object of the trust remains, I maintain the Parliament is no more competent, morally, to deal with property of this kind than it is to deal with private property. . . . The only question is as to an abuse of the trust or a failure of the object."

to add somewhat shallow-thinking—statesmen which lands them in these unhappy conclusions.

They will see nothing but the mere Intellect as the common link to bind one generation to another, and, consequently, with regard to the Educational Endowments of the past, they see no other use for the State (whose officers they may be) to apply them to than the mere training of the understanding, from the elementary three R's to the highest flights of scientific lore, or to those successful achievements which delight the tax-sustained Department of Art and Science.

If you remind them of the Old World view, that Religion is the great cement and the binding power in the edifice of a nation; if you breathe to them that, in the ages gone by, in which the nations of Europe were born, grew, and throve, THEOLOGY, the knowledge of the Revelation of the one true God in the Word incarnate, was treated as mother and queen of the sciences, they will taunt you with the divisions of Christendom, and the multiplicity of the sects. They ignore what, after all, is the simplest matter of fact, that the one Catholic faith, common to all the generations, changes not, and that the one institution—the Church of the LIVING GOD—which is the common home of the spirits of the men of all the ages, continues, and, in the faith of millions, is to continue to the end. Thinkers and politicians of this school shove religion aside as an awkward and inconvenient matter, to be dealt with as men may choose to vote about it, or not to be cared for at all, but on no account to be even named in Acts of Parliament. But they choose to forget that it was the old faith of Christendom;—the belief in an ever-present, living kingdom of God upon earth—that led men to bequeath the Endowments, and mould the institutions which they so glibly amuse themselves with secularising and accommodating to supposed nineteenth century uses. They forget that our old famous Universities, our countless religious and godly grammar schools—3,000 Endowments and 800 Grammar schools—were formed to their new-fashioning hands by the gifts in life and the bequests in death of men who BELIEVED "in a city which hath foundations." They will not observe the notable fact that the new fangled State academies and universities which are founded on a negation of the old theology, or its relegation to churches and private houses, find no subsistence and no support but in the compulsory taxation of the State.

To this whole school of practical statesmen I venture to commend the recently well-applied words of the Archbishop of York—"Now abideth body, soul, and spirit—these *three;* but the greatest of these is SPIRIT."

Next comes the other school, which is one not so much of *thinkers* as of passionate, one-sided *doers*. But their very *doing* consists in *undoing*. They construct Commissions that they may destroy Institutions. As to *the faith* they would root it up, *because* it binds and unites. The Church as a living institution they simply hate, but it is with an entire hatred. It is painful to have to say such things of men, our fellow-countrymen and fellow-Christians, many of whom have a zeal for God as individuals, while they appear incapable of one single sentiment of sympathy for their fellow-Christian, the Churchman, whose one prayer and wish is to *include, not to exclude*, others, and who, *for their sake, no less than his own*, asserts the paramount importance of moulding all

human education upon a primal faith in the common Lord and Saviour of all.

But as it has been my painful duty to study their sentiments and opinions, as delivered by themselves, to have to probe and to be probed by them in turn, I cannot avoid the conclusion that, in their blind hatred and unreasoning antipathy to the Church of England, they are prepared to make any and every use of the materialised and utilitarian views of the class of statesmen whom I have just described. They use them to unchurch, so far as they possibly can, every Educational Endowment in the land; not knowing apparently, and little heeding, what is to occupy the blank which they would create, provided only they can upset the tenure of a definite creed, or expel the living acting influence of the Church out of institutions confessedly, for the most part, founded by Churchmen, and thankfully used, up to this day, by generations of Englishmen well contented, up to this very hour, to see the education of their children under the influence of the National Church.

From the attempt to analyse this intense *spirit* of antipathy to the Church, to explain its history, or account for its present excited action, I shrink. I have, however, tried to master the *reasoning process* by which it seeks to strip the Church of England of its Educational Endowments to their last shred, and I find that process is to take the following course. The time was in English history—partly in the ages before, and partly in some century and a half after, the Reformation—when the nation and the Church were practically *one*, or when the law of the land allowed of no education, and certainly of no Educational Endowment, apart from the National Church.

Since the Act of Toleration, by a series of legislative measures, that state of things has passed away. Education and Educational Endowments are by the law left open to all. Any Englishman is protected by the law in teaching what he pleases, and to whom he pleases, and in dedicating his property to the same purposes.*

But this does not satisfy them. The Church and the nation they say are now distinct. What follows? Take away all Endowments from the former and give them to the latter. Because men did not of old time give to the nation in the matter of Education except through the Church, and although men did of set purpose so give to the nation by giving to the Church, now you must take every such Endowment away from the Church and give it to the nation. And what do they mean here by *the nation?* What do they mean by saying they must take the Endowment from the Englishman—*quâ* Churchman, *quâ* Christian—and give it back to the Englishman *quâ* Englishman, pure and simple, without a creed, without a Church. They do not deny that the Englishman who enjoys these Endowments for the education of his children is both Churchman and Christian, and desirous that these Endowments should continue both Church and Christian (while it is open to themselves to use the Endowment apart from its Churchmanship). But no—they say he must not be allowed hereafter to use them so far as he belongs to the *English Church*, but only so far as he belongs to the *English nation*.

* In a list of 203 Educational Endowments, since the 1st of William and Mary to the present time, I can only find *three* distinctly stated to be for Nonconformist uses.—See *Enquiry Report*, vol. 1.

Then what is this English nation to which these representatives of some 200 sects would assign the future property and use of our school Endowments? In the abstract I find this *nation* must mean the people of England *without* their Christianity, without their creed, without their undying souls, without Christ, without God; and, if I ask what it means in the concrete, it means these particular men who cry out for this so-called nationalising of our Endowments. The wheel has turned round. It is the old cry of the despot of France in the lips of the oligarchical clique of a Birmingham convention—*L'Etat cest Moi. We* are the *nation* of England; *we,* the men who not only cannot agree upon a common creed or a common Church, but cannot abide the men who *do* so agree; we claim for ourselves—and for *them* only, when lowered to *our* level—these old Endowments. *Without* a religious character they shall be for *all who will use them. With* a religious character, albeit acceptable to the vast majority of the people of England—*for none.* And this is what they call "religious equality," and in the name of religious equality they would confiscate all religious Endowments—save indeed their own. For, monstrous though it may seem, this is the complement of their theory. Yes, say they; *we* may have our own Endowments, each of us for his own sect—but not the Churchman for his own Church; whatever has ever been given is ours, not his—because we are the nation; whatever is now given by a Churchman to his Church is given to the nation, because it is the nation's Church. *All yours is ours; all ours is our own.*

Churchmen, mark this, and be no longer deceived. Religious equality means, *not* equal rights to all, but separate rights to all religions except one, and that one the Church of England—*because national, not a Church at all.* All around it each sect is to revel in its own freedom, but the common equality of all is to consist in the right of all to confiscate *your* Endowments, banish from *your* schools your *own creed*, proscribe from the office of teaching *your own clergy*, and enact what *your children* shall *not* be taught. In education religious equality thus means, that in order to save a Dissenter's child from being taught the Church creed, the Churchman's child is forbidden to learn his own creed. A Conscience Clause is rendered needless by the ingenious arrangement of simply eliminating any creed to disturb the Conscience at all.

And this is the process inaugurated by the *Endowed Schools Act* of 1869, and completed, so far as Educational Endowments are concerned, in the *Universities Act*, 1870.

Of the latter, and of the feeble and ill-fought struggle on the part of Churchmen, under which it was carried, I cannot trust myself to speak. Some good things, however, were thrust into it, under the almost panic under which it was needlessly past; and, not least, a legal provision that Church of England teaching should be secured in our old Church colleges for all desirous of it.

Clerical Fellowships, strictly a part of the Endowments of the Church of England, were spared too. An attack is now threatened upon these. The spoil is already being counted, and the claims of Chemistry are likely to be preferred in place of those of Theology, when it comes to be divided.

But, let Churchmen this time be warned, and be prepared for the attack. Whatever re-adjustment of the mere fellowship and academical

question be made, let the people of England be appealed to in a way they never yet have been, and we shall yet be able, in these times of spiritual destitution, to retain for God's Church, the things given to God for the education of the Christian ministry.

(Part III.)

Of the Endowed Schools Act, and its Commission, I can speak now far otherwise than I could have done two years ago. The rally is begun. By the Continuance Act of 1873, some of our lost ground has been recovered. The way is ready prepared for a far more energetic and hopeful struggle when the question comes again before the Imperial Parliament, as it most probably will, next year. We have already saved the large majority of our Elementary School Endowments, which, until they received warning to stop, the Commissioners were hastening to transfer from the use of the poor to the benefit of the middle classes. For somehow, these Endowments, which we are told only serve to pauperise the hard-working labouring classes, are found, under the new political philosophy, to be perfectly innocent, and highly beneficial to the better-off classes above them.

The unjust and persecuting interpretation of the clause, which I then fully admit was opposed by the Commissioners themselves, by which the policy of the Emperor Julian, the Apostate, was for the first time inaugurated in Christian England, and the ex-officio teachers and clergy of the Christian Church were, because ex-officio they *are* Christian teachers, ousted from the trusts assigned to them by founders, has, to the honour of Parliament, been cancelled. Once more, the bishops and clergy not, indeed, are, but *may be*, trustees of the old educational foundations on which they were originally placed just because they were Christian bishops and clergy.

That astutely framed Section 19, of the Act of 1869, has been in part broken up and the way prepared for the ultimate removal from the Statute Book of a provision for the supposed security of the Church Endowments which has been turned into a means of sacrificing, instead of protecting, nine-tenths of our old Grammar School Endowments, and inserting a secularising element even into the tenth, supposed to be saved by it.

A step has been taken in this new Act towards introducing the element of *equitable* and *reasonable construction* of deeds, as to the question of the originally religious character of our school Endowments, left *subsequent to the first of William and Mary.*

Large and noble investments in the cause of Church Endowments, made in the present generation, attached to our old schools, which, under the Act of 1869, would have fallen a prey to the secularising spoilers, have been saved to the Church, as in the notable case of Uppingham.

Provision has also been made for fair notice being given before trustees are permitted to change the religious character of a school. But this is not all—by the *Proceedings of the Select Committee of the House of Commons* of last session, the way has been prepared for a *further* recovery of what is due to the Church of England and her members, in the name of equity and common sense, and on grounds already

accorded in the use of *their* Endowments to other religious bodies, more especially by the Dissenters' Chapels Act of 1846.*

Thus the claim has been made by our leaders in the House of Commons for the introduction into all future legislation on this subject of an equitable interpretation of the claims of *all* our old Endowments, independently of the cleverly inserted but insidious phrase, "express terms."

The claim has also been made that an occupation and enjoyment of any Educational Endowment for twenty-five years by any religious body, shall be a case for securing, by legal provision, instruction in the principles of the religious communion for all who shall desire it.

When these points at least shall have been secured, and when the original recommendations of the Enquiry Commissioners shall have been engrafted upon our legislation, and the management of these Endowments shall have been *decentralised*, by the formation of County or Provincial Boards, we may hope for some good permanent results from that Endowed School legislation, of which hitherto the results have been (while the honourable intentions of the Commissioners are freely admitted), to settle little—to unsettle much—to *alarm* the Church, to *embitter* the political Dissenters, to *dissatisfy* the Secularists, and to leave the Commissioners themselves only too anxious to be relieved, by the passing of a fresh Act of Parliament, of arbitrary powers, so enormous, as to have served nearly to ensnare them into the ignoble crime of suicide—a fate which they have only just escaped this year by the skin of their teeth.

Only Churchmen must take up the matter in a far more determined, courageous, and united spirit than, *as a body*, they have hitherto shown. I hope the race of which it has been my lot to have seen too many specimens —the *alarmed and panic-struck trustee*—will henceforth disappear. The "*alarmed trustee*" gives up everything in a fright, says, "if we don't give way, a worse thing will happen to us;" and then, when the mischief is done, and you say to him, "but if you had only had courage, and believed in your own cause, you would have gained this point or saved that," he has the courage to look you full in the face and say, "Only look what a capital fight we have made. True the old trust is gone, and the Church is ousted—but then we have saved so much!" If trustees believe they have a righteous cause, *let* them believe in it, and fight out the battle, inch by inch. By this they *can lose* nothing; they *may gain* much. One thing they will keep—a good conscience.

Again, in the great *general* struggle to be fought out in Parliament, and by Church action upon Parliament, this must cease to be, what it began two years ago by being, *a mere soldiers' battle*. The Endowed Schools struggle has been thus far the Church of England's Inkermann; but we cannot win many such—mere soldiers' chance—unorganised battles. We wanted, when we began the struggle, our *officers to the front*, but we did not find them there.

I thankfully acknowledge matters are most happily changed in this respect. With Oxford's honoured Chancellor to lead us in the House

* See the Amendments to the Report of the Select Committee of the House of Commons, moved by the Right Hon. G. Hardy, M.P., and others, and only lost, for the most part, by the casting vote of the Chairman.

of Lords, with Oxford's trusted representative to guide and counsel us in the House of Commons—both true in these days of rebuke, and unbelief, and cold indifference, to old Oxford's motto—"*Dominus illuminatio mea*,"—we are so far now well and bravely led in Parliament. BUT WE CANNOT DO WITHOUT OUR BISHOPS. Each, in his own diocese, we need them to lead us (I gratefully acknowledge in this diocese our President has, as bishop, taken such a lead); we need them to call together and lead their forces in defence of the old Church Endowments of each separate diocese, as has already been done, more or less, in the dioceses of Bath and Wells, Salisbury, Peterborough, Lincoln, Hereford, and Carlisle; we need them by every motive of duty to the Church, and of honour to the lay-members of both Houses of Parliament, who are struggling for us in the face of most formidable foes, to speak out in Parliament in the name of 15,000,000 of Churchmen, whose tribunes they are—to make such practical appeals, as legislators, to the sense of justice of the House of Lords as have been made twice, with complete success, by the brave-hearted and single-minded Bishop of Bangor. We want them to move, in their own House of Parliament, without fear of imagined results, or of political difficulties, the rejection of every "Scheme" which is found to contravene the principles of justice and equity, to break the nation's faith with the pious founder, and to inflict a deadly blow on the religious education of the children of the Church.

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